

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT, E.D.N.Y.

★ MAY 27 2005 ★

BROOKLYN OFFICE

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ERIC BOOKER,

Plaintiff,

MEMORANDUM
AND
ORDER

CV 04-5728

-against-

(JBW)

PRECISION PHARMA SERVICES, INC. and
V.I. TECHNOLOGIES, INC.,

Defendants.

-----X
WEINSTEIN, *Senior District Judge:*

Defendant, Precision Pharma Services, Inc., moves to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Since material outside the pleadings has been supplied in support of the motion, convert it to a motion for summary judgment with additional materials and briefs if desired. The present motion is deemed denied without prejudice.

SO ORDERED.

JACK B. WEINSTEIN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: Brooklyn, New York
May 23, 2005

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